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SUBJECT: COSTA RICA: MERIDA 2.0

REF: ANDREW/ASHE EMAIL 6 NOV 09

Per WHA/CEN email tasking of 17 September, Post provides input on Merida 2.0:

I. Security Environment-Assessment:

Costa Rica is not as dangerous as the rest of Central America; however, it is no longer safe.

Until the last two to three years, improving the security situation in Costa Rica was almost an afterthought compared to other fiscal priorities of the Government of Costa Rica (GOCR) such as health and education. However, the pace of the deteriorating domestic security situation in Costa Rica has increased over the past three to four years and has forced the Arias Administration to pay more attention to it. Security did not deteriorate overnight. Rather, inadequate security policies, insufficient provisioning, and half-measures were the norm for at least 30 years. While the Arias Administration has dedicated more resources and provided better legislative tools to address these issues, more equipment and better-trained personnel are needed immediately to halt Costa Rica's downward spiral. Without significant and sustained improvement of its security situation, public security in Costa Rica could deteriorate to a level similar to El Salvador in the next five to ten years.

Costa Rica is a vulnerable drug transshipment point for South American cocaine and heroin destined primarily for the United States due to its location on the isthmus linking Colombia with the United States via Mexico, its long Atlantic and Pacific coastlines, and its jurisdiction over the Cocos Islands. Directly related to the problems of drugs flowing through Costa Rica to the north is the problem of cash and weapons flowing through Costa Rica to the south. One of the epidemics that Post sees in Costa Rica is the rapid growth of the use of crack cocaine. Drug traffickers, moving their product by sea, need refueling and supplies for the trip north. Instead of paying for their provisions with cash, they pay in cocaine. It is this cocaine that often ends up on the streets of Costa Rica.

Highlighting the increasing boldness of criminals, especially drug gangs, are recent (Oct/Nov 2009) incidents of well-armed drug gangs killing judicial police agents. The drug gangs were armed with

AK-47 type assault weapons while the judicial police initially responded with 9mm pistols. While most of the perpetrators were captured, the primary suspects remain at large. Incidents like these, and many other violent crimes over the past few years, have started to become the norm in this popular tourist destination which still trades on its image as a bastion of peace in a troubled region. Between 750,000 and 1,000,000 million Americans visit Costa Rica each year and another estimated 50,000 live here on a permanent basis.

Personal security in Costa Rica continues to deteriorate as criminals believe that they face little serious threat from law enforcement agencies and relatively low chances of being convicted in the legal system. Armed robbery and murder are regular features of the evening news, contributing to a groundswell of public dissatisfaction with the national uniformed police (known as the Fuerza Publica) and a growing disaffection with the judiciary.

Statistics show that crime rates over the past few years have risen an average of 20-25 percent. Recently updated crime statistics comparing and contrasting 2007 and 2008 show an even higher, more alarming rate. For example, in 2007 there were approximately 369 homicides nation-wide; in 2008, homicides climbed to 512, an increase of 38 percent. The national homicide rate per 100,000 in 2007 was 8; in 2008 it climbed to 11. Other types of violent crime

are on the rise as well, including robberies and car-jackings, at a rate of approximately 20-25 percent per year. Violence and crime have not only affected the "common" person, it has affected senior government officials such as cabinet level ministers and even the family of the foreign minister. The areas with the highest rates of crime are in San Jose itself, and in Limon, on the Caribbean coast. Most crimes occur in major urban areas, but rural areas are not immune from criminal activity---especially those areas located in drug trafficking corridors and popular beach destinations. Although we do not yet have statistics for 2009, we expect these trends to continue.

Polling data from CID-Gallup and others tell us that domestic insecurity is now the number one issue for the people of Costa Rica, despite the effects of the current world-wide financial crisis. In one out of every four homes there is at least one person who has been a victim of crime in the last four months. This data has been consistent for the past two years of polling. The Costa Rican people do not believe that the government is doing enough to combat crime and believe that drugs, including both the use of and trafficking of cocaine through Costa Rica, are a major part of this problem.

Costa Rican law enforcement agencies struggle in their effort to address these security challenges due to being underequipped, undermanned, undertrained, and underfunded. With no military, Costa Rica does not have nor does it need a defense plan. What it sorely lacks is a coherent domestic security plan. While the Ministry of Public Security (MPS) is officially charged with both national and domestic security, there are several institutions that have police-type responsibilities. Within MPS are the Fuerza Publica (or Public Force, uniformed cops numbering around 10,000 total); the Drug Control Police (PCD), a rough equivalent to the DEA that is very small with only about 200 officers; the Air Wing with basic Cessna and Piper aircraft, including two helicopters, numbering around 15-20 aircraft with only about half operational at any one time (and only one helicopter, an aging Hughes 500 that the USG donated in the mid-80s, operational at any one time); and a barely capable coast guard with aging 82-foot patrol boats and a couple of dozen or so smaller launches that are often not operational. Maintenance has traditionally been a weak area for Costa Rican security agencies, especially its coast guard (however, with recent USCG maintenance training, the situation is improving). MPS has a SWAT-like special police unit.

Despite a commitment by the Arias Administration to increase the size of the Fuerza Publica, hiring has barely kept pace with attrition. As crime has increased, so have the number of companies offering private security services (and the number of weapons imported to arm them). There are now more armed private security guards in Costa Rica than there are police officers.

Charged with investigation of all crimes committed in Costa Rica are the judicial police (OIJ) that fall under the Costa Rican Supreme Court. This 1100 agent organization is a rough equivalent to all U.S. federal law enforcement agencies and is by far the most professional security institution in the country and we find little, if any, corruption in it. They are also the only police organization that can carry out investigations and detective work (although PCD can do so for drug-related crimes). OIJ also has its own SWAT-like police force as does the DIS/Presidential Ministry, the intelligence service.

Costa Rica also has tourist police, customs police, transit police, immigration police, and other organizations that have police-like responsibilities. One of the biggest problems confronting these security institutions is their inability to smoothly coordinate amongst themselves.

The USG works with all of the afore-mentioned agencies, but the majority of our involvement is with the MPS and OIJ. Thanks to the

Merida Initiative, we also work with the Ministry of Justice for our prison management program.

In comparison with the rest of the region, corruption in Costa Rica's security forces is relatively low. That said, the uniformed police in particular continues to struggle with criminal elements in its own ranks. In 2009 over 40 police officers were arrested/fired for connections to narco-trafficking. The MPS has initiated a program of "zero tolerance" for police officer corruption and over 150 police officers have been dismissed or suspended for various corrupt activities since 2008. Costa Rican authorities appear committed to combating public corruption and the GOCR conscientiously investigates allegations of official corruption or abuse.

The GOCR has increased its spending on security and for FY10 the Ministry of Finance proposed an increase of 27 percent. To address crime/citizen security issues effectively over the next 3-5 years, the GOCR should continue to increase security spending at these levels and strengthen its overall national security plan; the USG should continue in Merida 2.0 the sustained commitment that we have seen in Merida. Even such increases may be insufficient if the drug cartels and other criminal actors further increase their presence and violent activity in Costa Rica, which is already reaching a critical level. Equipping and training the police, coast guard, investigative agencies, and other security organizations are paramount. If the GOCR does not maintain/increase its security budget and the USG stops funding after the three years of Merida, our efforts with Merida will be wasted. A sustained, multi-year effort approach by the USG to security in Costa Rica is crucial.

II. Merida to Date-Post/Host Nation Impressions:

The Merida Initiative is just barely "off the blocks" here in Costa Rica as of November, 2009. We received our first year of Merida funding (from FY08-appropriated funds) only in June, 2009 and initiated our first Merida-related activity in August, 2009. So at this point, there is little feedback on how effective Merida has been and what effect the current programs have. However, over the past few years Post has continuously evaluated and updated what assistance Costa Rica really needs. The story has not changed much from our predecessors to those of us in position now: What Costa Rica really needs is help in properly equipping its police, proper police training to include police professionalization training, and properly equipping and training its coast guard. When equipping/training the police, we need to ensure that we include the OIJ police as well as the uniformed police from MPS.

From funds that Post manages, we have the following programs for the first year of Merida support:

-\$2.8 million in maritime assistance funds (FMF). Letters of Agreement (LOAs) were signed in July and October with the Costa Rican Coast Guard and our DoD counterparts to purchase three SAFE boats (interceptors) and to modernize/repair the three existing 82-foot patrol boats. To date (November 2009), no SAFE boats have been delivered and no repair has begun.

-\$1.6 million in police equipment funds (INCLE). We recently began purchasing police equipment and to date only have delivered a few items, such as a GPS and some drug detection kits. We are responding to one of the Fuerza Publica's (uniformed cops) main deficiencies, which is communications, with the refurbishment of their radio repair workshop to prepare for the purchase of hundreds of new radios.

-\$200K to improve fingerprint programs via Central American Fingerprint Exchange (CAFE). In late August an FBI fingerprint team did their first evaluation. See 09 San Jose 897 for further details.

-\$200K to improve prison management. In late September/early October, a prison specialist visited Costa Rica to start this program. His report is in clearance, but it is clear that a lot of training in prison management is needed and Costa Rica's prisoner capacity is already over its maximum.

Post agrees with all of the above programs and hopes to see them continue in Merida and Merida 2.0.

There are some Washington-managed funds as well, including a border post evaluation/further drug detection kits donation by CBP that will occur in February, 2010. With this training and donation, Costa Rica's security agencies will be well-equipped in drug/contraband detection for some years to come.

Merida has been positively received by host nation officials, but, as indicated above, it is too early to gauge the impact of our assistance. Undoubtedly, with the donation of nearly 20 drug detection kits, we would expect over the next year to have higher (or at least more frequent) drug seizures. The Costa Ricans see Merida as vital, but want higher amounts of funding. They believe that just because the situation in Costa Rica is not as bad as, for example Guatemala, it does not mean that they should receive less assistance.

Costa Rica does seem to have responded with further commitments of funding for security, with the FY10 proposal by the Ministry of Finance to increase security funding by 27 percent. They have been recruiting and training officers to try and bolster the amount of uniformed cops on the street, but are barely maintaining the status quo of 10,000 due to retirements, firings, etc. Recently, Post approved an export control check ("Blue Lantern") of MPS order of 350 9mm pistols to better equip their police, which was fully funded by the Costa Rican government.

As to specific Merida-related equipment resource requests, the Costa Ricans would like to acquire at least three newer patrol boats in the 80-110 foot range to replace the aging 82-footers that we are currently in the process of repairing. They will need to eventually replace these 82-footers, but the first year of Merida maritime funding should extend their life by about five years. They have also requested the modernization of their Air Wing with newer aircraft, such as 1-2 Cessna Caravans, and between 2-4 helicopters such as the Bell L4.

Other Merida-related specific requests by the Costa Ricans:

- Police professionalization training for approximately 200 of their mid-level managers. Chief of Police Erick Lacayo specifically mentioned the training that the Miami-Boston Group has done in Panama as an example of what he wants in Costa Rica. This is something we definitely support and we estimate would cost around \$400K a year; we should maintain it for 2-4 years and it should qualify for Merida 2.0.

- Costa Rica recently initiated a community policing program. They requested assistance in this program, which could be included in a police professionalization program, as well as assistance in police patrolling techniques.

- Costa Rica needs a new police academy. The current facility is inadequate and not large enough to train incoming recruits, forcing them to spread the academy regionally in 6-7 areas. This causes problems in standardization of training as well as transportation costs. Additionally, the police academy curriculum needs to be thoroughly reviewed.

- They would like to "reconstruct" their police academy field training facility at Murcielago (it would be an extension of their police academy), located in the northwest of Costa Rica, and continue to receive U.S. SF training (7th Group) there. They would like Murcielago to become a regional field training facility for other Central American countries to eventually use.

- MPS asked for help to secure their southern border at Sixaola, on the Caribbean side of Costa Rica on the border with Panama. They need better infrastructure there, such as an inspection building, and border inspection equipment (equipment we will donate, but there is not adequate infrastructure for inspections or securing the equipment). In general, they requested assistance for the strengthening, training, and equipping of their border police.

- They requested prevention programs for arms trafficking, trafficking in persons, and gangs.

- They would like to install FLIR (Forward-looking Infra-red Radar)

on three of their Air Wing aircraft. Additionally, they would like to re-configure the cockpits of several of their aircraft so that they can be night-vision capable.

-K-9 support. They would like more dogs, especially trained in drug detection, explosives, cadaver dogs, etc.

-IBIS-type forensic ballistic tools for investigations.

III. SWOTs Summary-Strengths/Weaknesses/Opportunities/Threats:

-Strengths:

The GOCR clearly sees the need for increased security and answered with the request for 27 percent more in law enforcement spending. After a bruising political battle on passing CAFTA-related trade laws, the Costa Rican National Assembly went back to work and passed several important pieces of security reform legislation over the past year. This included a new anti-organized crime law, immigration reform, strengthening of a law on terrorist financing, protection of witness and victims law, and others. See 09 San Jose 715 for more information on these new laws. Other legislation currently under consideration in the GOCR's National Assembly includes instituting a regulatory and tax regime for casinos and gambling as well as a bill that limits the amount of fuel that vessels may carry, especially for fishing vessels that often re-supply drug-running go-fasts.

Costa Rica also receives foreign assistance from other countries; Post coordinates with these other embassies via a regularly scheduled "Mini-Dublin" donors meeting. For example, Costa Rica received 200 police patrol cars as a donation from China in late 2008/early 2009. While the reliability of these vehicles is still unknown (they are a licensed copy of Mazda vehicles), they do represent an increase in ability by the MPS.

The MPS also initiated several new security strategies in 2009, included among them were a new community policing program, attempting to develop a national security policy (currently in the GOCR interagency clearance process), and several special strategies to combat crime. These special strategies include an increased police presence in the province of Limon, long known for narcotics smuggling activity as well as the highest murder rate in the country. The latest initiative in Limon, known as "Operation Limon: Sea, Air, and Land," yielded significant results. According to GOCR sources, an additional 130 uniformed police have been stationed in Limon in nine new police stations. MPS also provided the police there with new patrol cars, motorcycles, boats, and buses. As a result of this effort, the homicide rate in Limon, which has been the highest in recent years, saw a dramatic reduction this summer.

The MPS has increased the length of police recruit training from three to six months. Also, by December 2009, MPS will have installed a Closed Circuit TV system with 300 cameras in the San Jose area to target criminal activities and transmit intelligence information in real time. MPS continued its effective cooperation with the USG to interdict narcotics and to combat crack cocaine consumption in Costa Rica. The Ministry, with USG assistance, is continuing a container inspection program at the Caribbean port of Limon. The UNODC signed an agreement with the GOCR to establish a container intelligence program that should complement our container inspection program.

While resources are still insufficient, the government also makes good faith efforts to invest in education and poverty reduction programs, which can help attack the root causes of crime.

While Costa Rica struggles to stem the flow of drugs across its borders, especially in the porous area in the south with Panama (specifically in Paso Canoas and in Sixaola), the job that Costa Rica is doing to seize illegal contraband cannot be underestimated.

As of mid-October 2009, Costa Rican authorities had seized 14.7 metric tons (MT) of cocaine, of which 8.6 MT were seized on land or air and 6.1 MT were seized in national and/or joint maritime interdiction operations with U.S. law enforcement. The GOCR also seized over 175,805 doses of crack cocaine, 10 kg of heroin, nearly 700 kilograms of processed marijuana, and eradicated over 600,000 marijuana plants. They also seized 268 doses of ecstasy and 34 kgs of ephedrine. Additionally, Costa Rican authorities confiscated more than \$1.4 million in U.S. and local currency. The more than 52,000 drug-related arrests made in 2009 represent a raw increase of 17,000 arrests (or 33 percent higher) over 2008. However, there remains a significant prosecution backlog.

-Weaknesses:

Some senior officials in the current government, including the Minister of Public Security when she first took office, downplayed the seriousness of the public security situation here. The current justice system tends to favor social engineering over strong law enforcement initiatives as an antidote to crime. For example, instead of punishing a drug dealer by putting him in jail, Costa Rica would rather build a drug rehabilitation clinic. While rehabilitation clinics are excellent, you still have the drug dealer on the street. In reference to the example of the drug gang that killed an OIJ agent recently (as noted in para 4 above), the first reaction of the MPS was to suspend the purchase of firearms by foreigners rather than seek out criminals who illegally trafficked weapons into the country. The low conviction rate and increasing incidents of crime show few results from this "soft on crime" policy. Certainly the "soft" approach to combat poverty and

addictions is very important, but cannot work without tough enforcement of criminal laws.

The Costa Rican Coast Guard is generally weak on maintenance issues. For example, there is no implemented maintenance or inventory system that has resulted in equipment failure or loss. However, with SOUTHCOM funding, the USG is funding the construction of a new coast guard station in the Pacific port of Caldera. This facility will include a maintenance center. Additionally, we have had several Mobile Training Teams (MTTs) conduct maintenance training. Continued MTTs for maintenance and subject matter exchanges will help address this concern. Additional weaknesses in their coast guard include the lack of qualified operations officers to conduct maritime missions and low pay with a high cost of living. Affecting all police forces, low pay can provide an environment of corruption.

Among the various police forces, the national uniformed police (Fuerza Publica) are considered to be the least effective and most corrupt. Improving the quality and performance of this force is essential in order for the government to have a significant impact in reducing crime. One of the fundamental problems with the uniformed police is their minimal selection criteria for

applicants, thus, people with inadequate skills and inappropriate backgrounds are hired. The difficulty in firing police officers, unless they are clearly linked to corruption or narco-trafficking, exacerbates the problem. Addressing these two problems requires an investment of money (e.g., for technical assistance in developing selection criteria, part of a police professionalization program) combined with a more significant investment of political capital.

Along with narcotics smuggling, Costa Rica faces an increase in use of its territorial waters for alien smuggling. Two groups of illegal migrants were apprehended in the last quarter of FY 2009. Both groups were apparently organized in South Africa and transported to Colombian waters by ship, then offloaded into smaller boats for the trip north via the Caribbean coast of Central America. In addition, local immigration officials are pursuing evidence that passengers transiting San Jose's international airport are obtaining false documents from U.S.-based smugglers who arrange document switches in the international departure lounge, thus avoiding scrutiny by immigration authorities.

Despite new, stronger legislation in 2009, Costa Rica's legal framework is still too open to money laundering. We submitted a proposal requesting the launch of a Department of Treasury financial enforcement program-and placement of a resident advisor in-country supported by Merida funds.

Although it is difficult to obtain exact prosecution rates, the justice system seems to be overwhelmed and is not convicting criminals as it should be. The Public Ministry (which includes the Office of the Attorney General) could do a better job in putting criminals behind bars. According to statistics that we have received from various sources, including a former Minister of Public Security, over the past 10 years only 10 percent of filed criminal complaints have been resolved (either by conviction or other settlement).

From the initial prison assessment done in late September 2009, it is clear that the prisons have reached a state of over-capacity. Although in February, 2009 two new modules were added to an existing prison in the province of Limon adding 352 new cells, nation-wide the jails are at least 3-4 percent over-capacity. Despite the aforementioned weakness in the Public Ministry, due to the new laws that were passed in 2009, we expect more criminals to go to jail and overcrowding will only get worse. There are no plans to construct any new facilities, only plans to add some modules to existing centers.

According to our contacts in MPS, the GOCR is currently engaged in an internal interagency clearance of a national security plan. However, we suspect that it will not be sufficient to handle the security challenges that Costa Rica faces. In addition, there will be a change of government in May of next year (2010) after February elections, which could produce a further delay in a cohesive and clear national security plan.

-Opportunities:

As previously mentioned, Post analysis of Costa Rica's needs to address its citizen security issues include:

-Properly equipping and training the police, but especially the uniformed police- this includes police professionalization training; and

-Properly equipping and training the coast guard. Most drugs that enter/flow through Costa Rica or its territorial waters do so on its Pacific coast. As previously mentioned, some drugs enter Costa Rica as payment for services provided; these drugs remain here and are a root cause for the national crack cocaine epidemic. A well-equipped coast guard not only helps interdict drugs moving north, but helps limit the amount of drugs on the streets in Costa Rica.

-Although there already exists an INL-funded inspection facility at the Penas Blancas border crossing point with Nicaragua, the importance of that area as a natural chokepoint cannot be overemphasized. Most security experts, both official and non-government, agree that Penas Blancas is the most important border crossing point in Central America to intercept drugs flowing north and weapons and cash flowing south. Strengthening this border crossing area is vital to combating narco-trafficking and other illegal contraband. Even the narco-traffickers seem to indicate that it is the toughest point to cross in Central America. Within the last year, the PCD captured documents from a drug smuggler indicating what to do as he progressed north from Colombia with his cargo; when it came to Penas Blancas, the instructions simply read "go with God" and wished him luck. This border crossing area represents the last best chance to intercept drugs and other contraband before the U.S.-Mexican border.

To ensure the success of our assistance, Post advocates a sustained, continued investment in assisting Costa Rica until at least 2015-2020. Examples of and recommended funding amounts for these "Merida 2.0" programs are as follows and are INCLE funds unless otherwise noted. These recommendations depend upon the full funding of Merida "1.0" for the first three years, FY2008-2010:

-Continue police equipment support to Costa Rica at a rate of \$500,000 a year, starting in FY-2011 until 2013 and then \$100,000 a year until FY2020. This includes equipment for both MPS and OIJ units;

-Continue police professionalization program at a rate of \$400,000 a year from FY2011-2013 Funding should start in FY09 Merida at \$400K and be continued in FY10 Merida at \$400K. Funding should be \$200K a year for FY14-15;

-Coast Guard maintenance support. We will continue to need to support maintenance for the Costa Rican Coast Guard's (SNGC) smaller patrol boats, including past INL-purchased boats. These INCLE funds, different than FMF's funds for Merida-purchased boats, are critical for keeping the SNGC operating in their littoral waters, where the majority of drug-running go-fasts operate in the Eastern Pacific along Costa Rican's coastline. Post anticipates funding for this program should be \$200K a year from FY2011-2015. We should hire a Personal Service Contractor (PSC) to assist in maritime maintenance. Additionally, Post understands that SOUTHCOM may be able to provide a "Caribbean support tender," basically a U.S. maritime vessel that travels throughout the Caribbean providing spare parts and maintenance support to nations in this area. Costa Rica's coast guard certainly needs this kind of support.

-The judicial police (OIJ) need continued training opportunities that have begun under current Merida funding. This includes evidence handling training, advanced tactical training, management, etc. Funding should be at \$400K a year from FY2011-2013 and then

at \$200K a year until FY2015.

-With FMF funding: Maritime regional interdiction/Enhancement of Costa Rica's capability to conduct, WMD interdiction, and CT operations: \$1.790 million fully funded. For \$790K, we envision the funds to be spent as follows: \$100K for Enduring Friendship sustainment, \$250K for Hughes 500D maintenance support, \$250K for major maintenance support to SNGC patrol boats (82 footers), \$70K for flight crew safety equipment, \$20K for ammunition 9mm/.556, and \$100K for support of patrol and smaller boats. The remaining \$1 million goes for additional SAFE boats. Post envisions these programs being funded from FY2011-2014.

Full funding of Program and Development Support (PD&S) is required to run these programs. We estimate that PD&S funds should be, at a minimum, \$200,000 a year.

Finally, the beginning of a new Costa Rican administration in May 2010 (after February 2010 national elections) presents an opportunity, as all of the leading candidates have identified improving public security as a top priority. The frontrunner has said that, should she win, she would request further USG security assistance. The current government fully supports improving police training as do the leading presidential candidates. The government could benefit from USG expertise in this area.

-Threats:

The main threats to Costa Rican security are Drug Trafficking Organizations (DTOs) and the ever-growing and more violent criminality caused by drug trafficking. Although not all crimes are derived from drugs or drug proceeds, Post estimates that most crimes have a drug-connection. Both the northern and southern borders are relatively "easy" to pass through, but the most porous area is clearly the southern border with Panama, especially in the Paso Canoas area. It is in this area, as well as the landing zones that go-fast boats use to land drugs on Costa Rica's Pacific coast, that Costa Rican security organizations have the least impact on illegal contraband movement. At the northern border of Pe????as Blancas, there is more control and an INL-built inspection station that assists in drug detection activities; no such facility exists on the southern border. Another location on the southern border with Panama that is worrisome to the Costa Ricans is the relative ease of crossing the border on the Caribbean side near